

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE) SITTING AT LAKE COUNTY, INDIANA

DAVID GLOVER,)
)
 Plaintiff,)
)
)
 v.) Cause No.:
)
 DONALD NANCE, SR, and)
 DONLEY TRUCKING INC.)
)
 Defendant.)

COMPLAINT

DAVID GLOVER (hereinafter "David"), by counsel, WALTER J. ALVAREZ, P.C., complaining of the defendants, Donald Nance, Sr., (hereinafter "Nance") and Donley Trucking Inc., (herein, "Donley"), alleges and states as follows:

1. At all times relevant herein, David was a resident of Gary, Lake County, Indiana.
2. At all times relevant herein, Nance was driving a 2011 International Prostar Semi-truck owned, operated, and/or controlled by Defendant, Donley Trucking Inc., an Illinois corporation licensed to do business in the State of Indiana.
3. On or about March 19, 2019, at approximately 9:51 a.m., David was a duly restrained driver of a vehicle traveling westbound on US20, through its intersection with Ohio St., in Gary, Lake County, State of Indiana.
4. On or about March 19, 2019, at approximately 9:51 a.m., Nance was operating his vehicle eastbound on US20 attempting to make a left turn to head northbound on Ohio St., in Gary, Lake County, State of Indiana.

5. On or about March 19, 2019, Nance collided with David's vehicle and subsequently struck David's person, with the vehicle being driven by Nance, pinning David between David's vehicle and the trailer of Nance's semi-truck.

5. On and before March 19, 2019, Nance owed David, as well as others on the roadway, a duty to use reasonable care in the operation, inspection, maintenance and repair of the vehicle he was driving, so as to avoid causing injury.

6. However, on March 19, 2019, Nance breached the foregoing duty and was negligent and/or reckless in one or more of the following ways, *inter alia*:

- (A) Nance disregarded the position and location of David' vehicle within the intersection relative to the position and location of his own vehicle;
- (B) Nance failed to maintain a reasonable and proper lookout for David and his vehicle upon the roadway and within the intersection;
- (C) Nance failed to maintain reasonable control over the vehicle he was driving;
- (D) Nance failed to pay and maintain reasonable and proper attention to David's location in relation to his vehicle;
- (E) Nance failed to take reasonable evasive measures to avoid a collision; and/or
- (F) Nance failed to use the same care and caution that a reasonably prudent person would have used under the same or substantially similar circumstances.

7. As a direct and proximate result of the foregoing collision, David sustained serious personal injuries, including, but not limited to, fractures to the left foot, rotator cuff injury, bruises, and road rash; incurred and will incur medical, hospital, pharmaceutical, and therapeutic expenses; suffered and will suffer physical pain and suffering, disability, mental anguish and loss of enjoyment of life; lost wages from his employment; lost earning capacity in the future; and incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, DAVID GLOVER respectfully seeks the entry of judgment in his favor and against the defendants, DONALD NANCE, SR., and DONLEY TRUCKING INC. for compensatory damages in an amount to be determined herein, for the costs of this action, and for any and all other relief that the Court may deem proper under the circumstances.

Respectfully submitted,

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PLAINTIFF DEMANDS TRIAL BY JURY.

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